

DETAILED ACTION

1. This communication is responsive to the Amendment filed 2/2/2010.
2. Claims 1, 3-12 and 14-29 are pending in this application. Claims 1, 12, 24 and 25 are independent claims. In the instant Amendment claims 1, 12, 24 and 25 were amended. This is a Non-Final action on the RCE filed 3/2/2010.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 10-12, 14 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aberg (US 6993362) in view of Pechatnikov et al ("Pechatnikov" US 2003/0229441).

Regarding claim 1, Aberg discloses a method of displaying a subset of a plurality of user interface ("UI") elements in a user interface, the method comprising the steps of:

(i) determining the size of a first subset of plurality of UI elements that can be displayed within the user interface of a mobile device (see fig 3 where dynamic sub-menu 310 is shown; Examiner notes that user is capable of customizing the "size" of the sub-menu by including any number of menu items "311-312");

(ii) determining a plurality of UI elements that may be selected for display within the user interface (see fig 3 where dynamic sub-menu 310 is shown);

(iii) selecting the first subset of UI elements from the plurality of UI elements determined in step (ii) (see fig 3 where dynamic sub-menu 310 is shown; Examiner notes that user is capable of selecting menu items from an “extended menu” to include in dynamic sub-menu 310); and

(iv) displaying on the user interface and loading into memory the first subset of UI elements selected in step (iii) (see col. 6, lines 6-49 and claim 1 where the memory containing a dynamic menu is discussed), wherein the first subset of UI elements are displayed simultaneously in a menu (see col. 6, lines 36-39, “The menu items may be presented sequentially (one by one) on the display 6, or alternatively several menu items 401 406 may be presented simultaneously. By using certain keys (such as the scroll keys 14, 15 and the YES key 12)”).

Aberg does not expressly disclose wherein as the user scrolls up or down in the menu, the first subset of UI elements is not displayed and the first subset of UI elements is discarded from the memory of the mobile telephone, and a second subset of UI elements is displayed according to steps (i) through (iv) as performed for the first subset of UI elements.

Pechatnikov discloses a mobile phone or PDA capable of downloading map data to the PDA's memory from a server. In one embodiment of the invention, old map data is discarded from the PDA's memory and replaced with updated navigation instructions from the server (see paragraph [0101]). It would have been obvious to an artisan at the

time of the invention to include Pechatnikov's teachings in Aber's user interface in an effort to download data in accordance with the memory capacity and minimize the memory requirements in the portable device.

Regarding claim 3, Aberg discloses the user input comprises activating a user input means and the selection and display of a further subset of UI elements causes a list or menu to be scrolled (see fig 3, where sub-menu 400 is shown; also see col. 6, lines 36-39 where the scroll keys are discussed).

Regarding claim 10, Aberg discloses the list of the selected subset of UI elements comprises one or more further lists, each of the one or more further lists being identified by a unique expression (see Aberg fig 3 and col. 7, lines 25-29 where it is discussed that a dynamic menu can be located as a sub-menu of a sub-menu)

Regarding claim 11, Pechatnikov discloses a data carrier comprising computer executable code for performing the method of any of claims 1 to 9 (see paragraph [0060] where the computer-readable medium is discussed).

Claims 12 and 14 are similar in scope to claims 1 and 3 respectively, and are therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 10 and is therefore rejected under similar rationale.

Regarding claim 22, Aberg discloses the device comprises wireless communication means (see fig 1 where the mobile phone is shown).

Regarding claim 23, Aberg discloses, in figs 1 and 2, a device comprising processing means (20), storage means (30), a display (6), user input means (7),

Art Unit: 2174

wireless communication means (2) and a user interface (6), wherein the device is configured to perform the method of any of claims 1 to 10.

Claim 24 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Regarding claim 26, the modified Aberg discloses the plurality of UI elements contains images and text strings operable to display a menu, and the first subset of UI elements contains a first image and a first text string chosen from the plurality of UI elements, the first image and the first text string operable to display a menu entry on the user interface (see Aberg fig 3 and Pechatnikov fig 2b).

Claims 27-29 are similar in scope to claim 26 and are therefore rejected under similar rationale.

5. Claims 4-9 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aberg in view of Pechatnikov in further view of Kennedy et al (“Kennedy” EP 1193590).

Regarding claims 4 and 15, the modified Aberg does not explicitly reveal that a mark-up language component is provided that defines the location of the plurality of UI elements. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraphs [0029]-[0033]). It would have been obvious to an artisan at the time of

Art Unit: 2174

the invention to modify Aberg's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 5 and 16, the modified Aberg does not explicitly disclose the mark-up language component further defines the display of the selected subset of UI elements in a list. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Aberg's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 6 and 17, the modified Aberg does not explicitly disclose a template is associated with the mark-up language component, the template determining the appearance of the selected subset of UI elements displayed in the list. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Aberg's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 7 and 18, Aberg does not explicitly reveal that a mark-up language component is provided that defines the location of the file and the file

Art Unit: 2174

comprises one or more data resources for display in the user interface. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraphs [0029]-[0033]). It would have been obvious to an artisan at the time of the invention to modify Aberg's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 8 and 19, the modified Aberg does not explicitly disclose the mark-up language component further defines the display of the selected subset of UI elements in a list. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Aberg's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claims 9 and 20, the modified Aberg does not explicitly disclose a template is associated with the mark-up language component, the template determining the appearance of the selected subset of UI elements displayed in the list. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraph [0029] where display options is discussed). It would have been obvious to an artisan at the time of the invention to modify Aberg's user interface by including Kennedy's teachings

Art Unit: 2174

in an effort to provide a mobile computing device in a manner that conserves power resources.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RASHAWN TILLERY/
Examiner, Art Unit 2174

/DENNIS-DOON CHOW/

Supervisory Patent Examiner, Art Unit 2174